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December 27, 2019

ECF

Honorable Steven M. Gold
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Negron v. City of New York et al.*
Case No. 18-cv-6645 (NGG) (SMG)

Dear Judge Gold:

I write to object to Defendants' filing yesterday of a "reply" to our response to Defendants' motion to compel, *see* ECF No. 38, and to respectfully request that the Court strike Defendants' reply from the record.

On December 12, 2019, Defendants filed a four-page, oversized letter-motion—without first seeking Plaintiff's consent—to compel Plaintiff to disclose various documents protected by the attorney-client and work-product privileges and to compel Plaintiff, his wife, and his criminal trial lawyers to give testimony about privileged matters. *See* ECF No. 32. On December 18, we moved for permission to file an oversized response of eight pages and filed that response on the docket. (Defendants, despite filing an oversized letter, withheld their consent to our letter.) *See* ECF No. 35.

These two submissions—the initial motion and the opposing party's response—are the only two submissions authorized by the rules governing discovery-related motion practice. Your Honor's Individual Practices provide that discovery motions are to be governed by Local Rules 37.3 and 6.4. Local Rule 37.3(c), in turn, provides, in relevant part, as follows: "Except for the letters and attachments authorized herein"—i.e., the motion itself and the opposing party's response—"papers shall not be submitted with respect to a dispute governed by this rule unless the Court has so directed." The rules thus expressly disallow the filing of reply papers without the Court's permission.

Nevertheless, yesterday, Defendants filed a reply letter to our opposition to their motion to compel without first seeking permission from the Court. *See* ECF No. 38. Because the rules

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expressly prohibit such a filing, we respectfully request that the Court strike this letter from the record.

Respectfully submitted,

/s/

Joel B. Rudin

cc: Morgan McKinney (via ECF)
Elissa Fudim (via ECF)
Counsel for Defendants